

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF OREGON

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Peak Web LLC

2. All other names debtor used in the last 8 years
Include any assumed names, trade names and doing business as names

DBA Peak Hosting

3. Debtor's federal Employer Identification Number (EIN) 26-3583745

4. Debtor's address Principal place of business

35200 SW Deer Park Rd.
Wilsonville, OR 97070

Number, Street, City, State & ZIP Code

Clackamas
County

Mailing address, if different from principal place of business

19363 Willamette Dr.
Mailbox 498
West Linn, OR 97068

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

1725 Comstock St., Suite 103 Santa Clara, CA
95054

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

5191

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

☒ No.

☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☒ No

☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

11. Why is the case filed in this district?*Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☒ No☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention?** (*Check all that apply.*)☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____**Where is the property?** _____

Number, Street, City, State & ZIP Code

Is the property insured?☐ No☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors☐ 1-49☐ 50-99☐ 100-199☒ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☒ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☒ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor **Peak Web LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **June 13, 2016**
MM / DD / YYYY

X /s/ Jeffrey E. Papen
Signature of authorized representative of debtor

Title **CEO**

Jeffrey E. Papen
Printed name

18. Signature of attorney

X /s/ Timothy J. Conway
Signature of attorney for debtor

Date **June 13, 2016**
MM / DD / YYYY

Timothy J. Conway
Printed name

Tonkon Torp LLP
Firm name

**1600 Pioneer Tower
888 SW Fifth Ave
Portland, OR 97204-2099**
Number, Street, City, State & ZIP Code

Contact phone **503-221-1440** Email address **timothy.conway@tonkon.com**

Oregon Bar No. 851752
Bar number and State

1 **Timothy J. Conway**, OSB No. 851752 (Lead Attorney)

Direct Dial: (503) 802-2027

2 Facsimile: (503) 972-3727

E-Mail: tim.conway@tonkon.com

3 **Ava L. Schoen**, OSB No. 044072

Direct Dial: (503) 802-2143

4 Facsimile: (503) 972-3843

E-Mail: ava.schoen@tonkon.com

5 **TONKON TORP LLP**

1600 Pioneer Tower

6 888 S.W. Fifth Avenue

Portland, OR 97204

7 Attorneys for Peak Web LLC

8
9 UNITED STATES BANKRUPTCY COURT

10 DISTRICT OF OREGON

11 In re

12 Peak Web LLC,

13 Debtor.

Case No.

**DISCLOSURE OF
COMPENSATION OF ATTORNEY
FOR DEBTOR PURSUANT TO
RULE 2016(b)**

14
15 Tonkon Torp LLP ("Tonkon"), pursuant to Bankruptcy Rule 2016(b), states
16 that:

17 1. Tonkon has been engaged by Debtor herein to act as its general
18 bankruptcy counsel in this case.

19 2. In the twelve months preceding the filing of this Chapter 11 case,
20 Tonkon received the following payments: a \$100,000.00 retainer on June 1, 2016; a
21 \$17,450.60 retainer on June 2, 2016; and a \$57,550.00 retainer on June 10, 2016.
22 Immediately prior to filing the Petition, \$72,373.50 was applied to current fees and costs,
23 incurred prior to the Petition, which includes the bankruptcy filing fee of \$1,717.00. The
24 remaining retainer balance of \$102,627.10 is held in Tonkon's trust account. All payments
25 were made to Tonkon from the Debtor, except for the \$17,450.60 retainer on June 2, 2016,
26 which was received from Debtor's prior bankruptcy counsel.

1 3. The filing fee for commencing this Chapter 11 case will be paid in full.

2 4. The source of payments to be made by Debtor to Tonkon for legal
3 services, filing fees, and costs incurred in or in connection with this case will be from the
4 Debtor and from property of the bankruptcy estate.

5 Tonkon has not shared or agreed to share with any person, other than its members, any
6 compensation paid or to be paid.

7 DATED this 13th day of June, 2016.

8 TONKON TORP LLP

9

10 By /s/ Timothy J. Conway
11 Timothy J. Conway, OSB No. 851752
12 Ava L. Schoen, OSB No. 044072
13 Attorneys for Peak Web LLC

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Fill in this information to identify the case:

Debtor name **Peak Web LLC**

United States Bankruptcy Court for the: **DISTRICT OF OREGON**

Case number (if known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
CoreSite, L.P. 1001 17th Street Suite 500 Denver, CO 80202	Debbie Hice Ph: 303-405-1008 debbie.hice@CoreSite.com	Lease termination				\$1,225,000.00
Zynga Inc 315 Montgomery Street San Francisco, CA 94104	Meredith Lobel-Angel 415-445-4201 mobelangel@zynga.com	Promissory Note.				\$598,122.36
InterXion Datacenters B.V. Cessnalaan 50 1119 NL Schiphol-Rijk PO Box 75812 Netherlands	Sebastian Holtslag 31-20-880-7600 sebastianh@interxion.com	Lease termination				\$469,617.00
Themesoft, Inc 13601 Preston Rd, Ste W860 Dallas, TX 75240	Natalia Martinez 972-474-8787 natalia@themesoft.com	Information technology staffing services.				\$457,932.04
Gregory M. Rodriguez 2 Kinghurst San Antonio, TX 78248	Gregory M. Rodriguez 210-286-0832 senorgreg3658@gmail.com	Separation agreement				\$375,995.98
Zayo Group, LLC P.O. Box 952136 Dallas, TX 75395-2136	Kristen Stimler 800-390-6094 billing@zayo.com	Internet service provider.				\$190,815.11
Data Sales Co., Inc. 3450 W. Burnsville Parkway Burnsville, MN 55337	Ann Seurer (952) 890.8838 aseurer@datasales.com	Equipment lease.				\$100,000.00

Debtor **Peak Web LLC**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Lighttower POB 28730 New York, NY 10087	Scott Callahan 978-268-93-09 scallahan@lighttower.com	Internet service provider.				\$66,540.00
Mainz Brady Group P.O Box 620375 Woodside, CA 94062	Maria Mendoza 650-522-3955 maria@mbg.com	Information technology staffing services.				\$64,560.00
Hewlett-Packard Financial Services Co. P.O. Box 402582 Atlanta, GA 30384-2582	Arthur Gass 888-254-0006 arthur.gass@hp.com	Equipment lease.				\$58,000.00
CISCO Systems Capital Crp P.O. Box 742927 Los Angeles, CA 90074-2927	Lisa Kimble 866-654-0247 lkimble@cisco.com	Equipment lease.				\$47,000.00
8X8 INC Dept. 848080 Los Angeles, CA 90084-8080	Stefan Falcon 888-898-8733 Stefan.falcon@8x8.com	Business telephone and call center services.				\$44,915.48
American Express PO Box 660448 Dallas, TX 75265-0448	800-424-0448	Credit card.				\$43,715.94
Dell Marketing, L.P. c/o Dell USA L.P. PO Box 910916 Pasadena, CA 91110-0916	Ghulam Hussain 877-671-1355 ghulam_hussain@dell.com	Data center supplies.				\$42,602.00
Citi Credit Cards PO Box 78045 Phoenix, AZ 85062-8045	800-732-6000 alerts@citibank.com	Credit card				\$36,104.06
Giglinx Inc. 6895 East Camelback Road Suite 115 Scottsdale, AZ 85251	Laura Talbot 254-642-0001 accounting@giglinx.com	Internet service provider.				\$35,923.16
Dasher Technologies, Inc. 655 Campbell Technology Pkwy suite 150 Campbell, CA 95008	Michael Cook 408-409-2849 michael.cook@dasher.com	Data center supplies				\$34,306.39
Axis Capital, Inc PO BOX 911685 Denver, CO 80291-1685	Cindy Early 800-994-0016 cindy@quailcap.com	Equipment lease.				\$33,904.57

Debtor **Peak Web LLC**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Dell Financial Services Payment Processing Center PO Box 6410 Carol Stream, IL 60197-6410	Susan Burleson 877-663-3355 susan_burleson@dell.com	Equipment lease.				\$30,000.00
St. Paul Fire & Marine Insurance c/o Joel A. Parker Schwabe Williamson & Wyatt PC 1211 SW 5th Avenue, #1900 Portland, OR 97204	Joel A. Parker 503-222-9981 jparker@schwabe.com	Litigation.	Disputed			Unknown

Fill in this information to identify the case:

Debtor name Peak Web LLC

United States Bankruptcy Court for the: DISTRICT OF OREGON

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 13, 2016

X /s/ Jeffrey E. Papen

Signature of individual signing on behalf of debtor

Jeffrey E. Papen

Printed name

CEO

Position or relationship to debtor

1 **Timothy J. Conway**, OSB No. 851752 (Lead Attorney)

Direct Dial: (503) 802-2027

2 Facsimile: (503) 972-3727

E-Mail: tim.conway@tonkon.com

3 **Ava L. Schoen**, OSB No. 044072

Direct Dial: (503) 802-2143

4 Facsimile: (503) 972-3843

E-Mail: ava.schoen@tonkon.com

5 **TONKON TORP LLP**

1600 Pioneer Tower

6 888 S.W. Fifth Avenue

Portland, OR 97204

7 Attorneys for Peak Web LLC

8
9 UNITED STATES BANKRUPTCY COURT

10 DISTRICT OF OREGON

11 In re

12 Peak Web LLC,

13 Debtor.

Case No.

**CERTIFICATE OF SERVICE OF LIST
OF CREDITORS HOLDING
20 LARGEST UNSECURED CLAIMS
ON THE U.S. TRUSTEE**

14
15 I hereby certify that I served (1) a copy of the List of Creditors Holding 20
16 Largest Unsecured Claims; (2) address mailing labels for Debtor, Debtor's attorney, and a
17 contact person for each creditor on the list; and (3) this Certificate of Service, on the
18 U.S. Trustee at 620 SW Main Street, Room 213, Portland, Oregon 97205, by causing a copy
19 thereof to be e-mailed on June 13, 2016. I hereby further certify that each of the above items
20 was hand delivered to the U.S. Trustee at the address set forth above on June 13, 2016.

21 DATED this 13th day of June, 2016.

22 TONKON TORP LLP

23
24 By /s/ Timothy J. Conway

Timothy J. Conway, OSB No. 851752

25 Ava L. Schoen, OSB No. 044072

26 Attorneys for Peak Web LLC